

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

Daniel E. Ayer, Sr.

v.

Civil No. 07-cv-304-SM

NH State Prison, Warden

**NOTICE OF RULING**

Re: Document No. 12.

Ruling: Granted. Accordingly, the petition shall be served upon the New Hampshire State Prison, which shall file an answer or other pleading in response to the allegations made therein. See Rule 4 of the Rules Governing § 2254 Cases in the United States District Court ("2254 Rule") (requiring reviewing judge to order a response to the petition). The Clerk's office is directed to serve the New Hampshire Office of the Attorney General, as provided in the Agreement on Acceptance of Service, copies of this Order, my November 7, 2007 Report and Recommendation and Order (Document nos. 8 and 9) and the original habeas petition (Document nos. 1 and 12). Respondent shall answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth contents of the answer).

Upon receipt of the response, the Court will determine whether a hearing is warranted. See § 2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorney(s).

  
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James R. Muirhead  
U.S. Magistrate Judge

Date: December 7, 2007

cc: Daniel E. Ayer, Sr., pro se  
Stephen Fuller, Esq.  
John Vinson, Esq.